

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

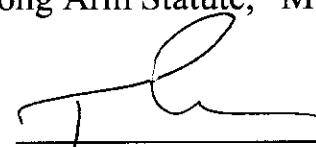
C. A. NO. 04-30149-MAP

DANIEL BOURQUE,)
Plaintiff)
)
v.)
)
THOMAS A. MOERLER,)
Defendant)

AFFIDAVIT OF THOMAS A. MOERLER

1. My name is Thomas A. Moerler.
2. I reside at 141 Spiral Road, Holtsville, New York 11742.
3. I am over the age of majority.
4. I am of sound mind and respectfully submit these facts which are based on my own personal knowledge.
5. At all material times, I have been and continue to be a citizen of the Sovereign State of New York.
6. I authorize my Attorneys to Appear herein only for the Special purpose of presenting this Motion to Dismiss.
7. I did not operate a motor vehicle in Maryland at any time relevant to this incident alleged in the Plaintiff's Complaint.
8. No one acting as my agent, servant or employee operated a motor vehicle in Massachusetts or Maryland at any time relevant to this incident alleged in the Plaintiff's Complaint.
9. I have not been served with civil process or pleadings in this action while in the Commonwealth of Massachusetts.
10. I have not appointed or authorized any agent of mine to accept service of process, in my behalf, in this or any other civil action against me.

11. I have not invoked the jurisdiction of any Court, Federal or State, in the District of Massachusetts.
12. I do not consent to be sued, participate in, or defend this action in the U. S. District Court for the District of Massachusetts.
13. I invoke my Constitutional rights to refuse to be subject to any Civil Action brought against me, by this Plaintiff, in this action or in any other action, in the Commonwealth of Massachusetts or any U. S. District Court therein.
14. For all material times, I have had none of the jurisdictional contacts which are specified in the Massachusetts "Long Arm Statute," M.G.L.A. c. 233A, § 3-4.



Thomas A. Moerler

Signed At: Holtsville, N.Y.

9-3-04
Date:

STATE OF NEW YORK

SUFFOLK COUNTY, ss

On this 3rd day of AUGUST, 2004, before me,
STEVEN M. LUCAS, a Notary Public, duly commissioned and
qualified for the State of New York, personally appeared Thomas A Moerler,
who, being duly sworn, declared that the above Affidavit by him subscribed is
true to the best of his knowledge and belief. He proved his identity by showing
me his New York driver's license.

In testimony whereof, I have hereunto set my hand and affixed my seal of
office the and year above written.

STEVEN M. LUCAS
Notary Public, State of New York
No. 01LU4622115
Qualified in Suffolk County
Commission Expires May 31, 2006

Steven M. Lucas
Notary Public
My Commission Expires: 5/31/06